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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Marco Polo MARTINEZ-Martínez, Defendant.	Magistrate Case No.: '08 MJ 8809 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about September 3, 2008, within the Southern District of California, defendant Marco Polo MARTINEZ-Martínez did knowingly and intentionally import approximately 23.40 kilograms (51.48 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rafael Silva, Special Agent
Immigration and Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4TH DAY OF SEPTEMBER 2008.

Peter C. Lewis
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Marco Polo MARTINEZ-Martínez

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to Immigration and Customs Enforcement Special Agent Rafael Silva.

On September 3, 2008, at approximately 1340 hours, Marco Polo MARTINEZ-Martínez (MARTINEZ) entered the United States at the Calexico, California, west port of entry. MARTINEZ was the driver, sole occupant and registered owner of a 1991 Chevy Astro Van.

Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) Jones, was conducting a pre-primary operation with his assigned Human/Narcotics Detector Dog when the dog alerted to the vehicle MARTINEZ was driving. CBP/CEO Jones notified CBP Officer Apolinar of the alert. CBP Officer Apolinar received a negative customs declaration from MARTINEZ. CBP Officer Apolinar referred and escorted MARTINEZ to the vehicle secondary lot for further inspection.

While at vehicle secondary, CBP Officer Apolinar continued with the vehicle inspection. Further inspection revealed several packages, concealed in a non-factory compartment above the gas tank of the vehicle. A total of twenty (20) packages were found concealed in the compartment.

CBP Officer Apolinar probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 20 packages had a combined weight of approximately 23.40 kilograms (51.48 pounds) of marijuana.

MARTINEZ was placed under arrest and advised of his rights, per Miranda, which he acknowledged and waived, agreeing to answer questions. MARTINEZ stated he was offered $600.00 to drive a vehicle into the United States. MARTINEZ stated he did not know what type of drug he was smuggling. MARTINEZ was to leave the drug-laden vehicle at the McDonald's parking lot in Calexico.